DECISION MEMORANDUM

TO:COMMISSIONER HANSEN

COMMISSIONER NELSON

COMMISSIONER SMITH

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

DAVE SCHUNKE

JOE CUSICK

DAVID SCOTT

WAYNE HART

WORKING FILE

FROM:CHERI C. COPSEY

DATE:JANUARY 21, 1997

RE:REQUEST FOR APPROVAL OF INTERCONNECTION AGREEMENT BETWEEN U S WEST NEWVECTOR GROUP, INC. AND GTE NORTHWEST, INC.  IN CASE NO. GTE-T-97-13

On November 3, 1997, in accordance with the Telecommunications Act of 1996, U S WEST Newvector Group, Inc. applied for Commission approval of a negotiated Interconnection Agreement with GTE Northwest Inc.  47 U.S.C. § 252 (e)(1).  The Agreement is a wireless interconnection agreement and Newvector is a commercial mobile radio service provider.  The Agreement provides for the parties to interconnect their facilities and for reciprocal compensation and will enable Newvector to enter the wireless market in GTE’s service area.

Under the terms of the Telecommunications Act of 1996, interconnection agreements must be submitted to the Commission for approval.  47 U.S.C. § 252 (e)(1).  The Commission may reject an agreement adopted by negotiation only if it finds that the agreement discriminates against a telecommunication carrier not a party to the agreement or implementation of the agreement is not consistent with the public interest, convenience and necessity.  47 U.S.C. § 252 (e)(2)(A).  If the Commission does not act to approve or reject the agreement within 90 days after its submission, the agreement is deemed approved.  47 U.S.C. § 252 (e)(4).  The Commission’s decision is not reviewable by the state courts.  Id.

STAFF COMMENTS

Staff found that the language and terms of this Agreement are generally similar to and consistent with agreements between GTE and other commercial mobile radio service provider providers.  However, there are slight differences between the rates adopted in GTE’s agreement with its subsidiary, GTE Macro Communications Corporation (Mobilnet), and those rates proposed in Newvector’s Agreement.  Mobilnet’s Interconnection Agreement was previously approved by the Commission on December 17, 1997, subject to the condition that “GTE make the same rates available to other telecommunication carriers that have interconnection agreements with GTE.”   Order No. 27265.

In order to determine whether these rates had been made available to Newvector or whether the Agreement discriminates, Staff provided Newvector’s attorney with a copy of the Mobilnet Agreement Appendix which reflected rates different from those in Newvector’s Agreement.  After reviewing the Mobilnet Agreement with his client, Newvector’s attorney told Staff his client considered the differences to be minor and not discriminatory.  Staff found that minor differences between the Mobilnet Agreement and Newvector’s Agreement appear to reflect each company’s size and capacity and to not discriminate.

Therefore, Staff finds the Agreement is consistent with the public interest, convenience and necessity and does not discriminate.

Staff recommends this Interconnection Agreement be approved.

Commission Decision:

Should Newvector’s Application for approval of its Interconnection Agreement with GTE be approved?

Cheri C. Copsey

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